

**MINUTES  
PLANNING COMMISSION  
JUNE 6, 2013  
LAKEWOOD CITY HALL**

**PRE-REVIEW MEETING  
6:30 P.M.  
LOWER CONFERENCE ROOM  
(Audio Recording Available)**

Meeting called to order at 7:00 P.M.

**REGULAR MEETING  
7:00 P.M.  
AUDITORIUM**

**1. Roll Call**

**MEMBERS PRESENT**

Hannah Belsito  
Mary Cierebiej, Vice-Chair  
William Gaydos  
Robert Greytak  
Patrick Metzger  
Mark Stockman, Chair

**OTHERS PRESENT**

Bryce Sylvester, City Planner, P&D  
Jennifer Mladek, Assistant Law Director  
Jason Russell, Project Specialist II, P&D

A motion was made by Ms. Cierebiej, seconded by Mr. Gaydos, to **EXCUSE** the absence of Ms. Karel. All of the members voting yea, the motion passed.

**2. Approve the Minutes of the May 2, 2013 Meeting**

A motion was made by Ms. Cierebiej, seconded by Mr. Gaydos, to **APPROVE** the minutes of the May 2, 2013 meeting. Ms. Belsito, Ms. Cierebiej, Mr. Gaydos, Mr. Metzger, and Mr. Stockman voting yea, and Mr. Greytak abstaining, the motion passed.

**3. Opening Remarks**

Mr. Stockman waived the reading of the Opening Remarks.

**NEW BUSINESS**

- 4. Docket 06-14-13                      16300 Detroit Avenue  
StrEat Burger**

Izzy Schachner, business owner and applicant, requests a Conditional Use permit for an outdoor dining facility pursuant to Section 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility,



Section 1161.03(t) – Outdoor/Seasonal Dining Facility, and Section 1173.02 – Conditional Use Permits. The property is located in a C3, Commercial and General Business district. (Page 2a)

Izzy Schacher, business owner and applicant was present to explain the request. Mr. Schacher handed a site plan to the Commission that indicated the location of the dumpster at the rear of the property (made part of record). His business was in the former 56 West location, and he wanted to add an outdoor patio at the rear of the building. The interior had seating for 48. The Commission said the code allowed for 25%. Mr. Sylvester said the request was for 40 additional outdoor seats for a total of 88 seats. With 88 total seats, the commercial parking guidelines required 22 parking spaces; the site plan showed 36 dedicated spaces. Because the applicant demonstrates more than required dedicated parking spaces, allowing more than 25% of the indoor seating capacity as outdoor dining seats is appropriate. Mr. Schacher said the outdoor dining hours would be from 4:00 p.m. until 11:00 p.m. The neighboring commercial uses were for retail facilities that closed at 5:00 p.m., and that allowed for parking by restaurant patrons. Mr. Sylvester clarified that Retail B was Kiss Realty, and Retail C was a resale shop. Other surrounding establishments were a pizza shop and drug store. Mr. Sylvester addressed the buffer; the nearest neighboring residential property was 100 feet from the proposed patio, and there was an existing six foot board-on-board fence. The patio would be fenced with aluminum railing. The dumpster would be located at the rear of the property.

There were no comments or questions from the public.

A motion was made by Mr. Gaydos, seconded by Ms. Cierebiej, to **GRANT** the request as submitted. All of the members voting yea, the motion passed.

5.        **Docket 06-15-13                      12700 Lake Avenue**  
   **Pier W Restaurant**

Mark Kawada, Select Restaurants and applicant, requests a Conditional Use permit for an outdoor dining facility pursuant to Section 1127.04(a) – Conditionally Permitted Uses, Section 1161.03(d) - Convenience Food Shop or Delicatessen, Beauty and Barber Shops, and Section 1173.02 – Conditional Use Permits. The property is located in an ML, Multi-Family and Low Density district. (Page 5)

Mark Kawada, Select Restaurants and applicant was present to explain the request. The patio would be on the roof of the restaurant for viewing of the skyline and lake. There would be 20 stationary Adirondack chairs, six high top tables with no chairs, only be four food items served along with beverages/cocktails. The use of umbrellas was questionable due to high wind velocity coming from the lake. Mr. Kawada showed the entrance to the patio via the PowerPoint. The daily opening of the patio would be determined by the winds; a green flag would be used to indicate it was open, and a red flag would indicate it was closed.

There were no comments or questions from the public. The City staff clarified the space was on the roof of the restaurant, but because it was street level, it met the spirit of the code as an outdoor dining facility, and it had to be presented to the Planning Commission as an outdoor dining space. This is not treated as a roof top patio space. The existing railing met Building and ADA codes.



A motion was made by Ms. Cierebiej, seconded by Mr. Gaydos, to **GRANT** the request as submitted. All of the members voting yea, the motion passed.

**6. Docket 06-16-13 11721 Franklin Boulevard  
Inn the Doghouse**

Whitney Callahan, business owner and applicant, requests a Conditional Use permit for accessory parking pursuant to Section 1123.04(b) – Conditionally Permitted Uses, Section 1161.03(a) – Accessory Parking, and Section 1173.02 – Conditional Use Permits. The property is located in an R2, Residential Single and Two Family district. (Page 13)

Whitney Callahan, business owner and applicant was present to explain the request. She and her partner had been at their present location for approximately and experienced business growth. The need for parking had increased for personnel and customers. Contingent upon approval by the Boards and Commissions, they were in the process in purchasing the property and adjoining rental property. The rental property was in need of significant repairs. The commission agreed they did not like to see the loss of housing stock; however in this instance, it would be for the benefit of business growth. The white fence would be retained. They were willing to add landscaping. To the south, the property backed to a garage on an adjoining residential lot. The existing and expanded parking lot would be resurfaced and striped; protective measures would be completed to protect the vinyl fence.

Stephen Yusko, 1476 (street name unknown) asked about the landscaping. Ms. Callahan said there would be bushes/greenery added between the parking lot and the sidewalk and tree lawn.

Mr. Sylvester stated the applicant was to appear before the Architectural Board of Review ("ABR") on Thursday, June 13<sup>th</sup> for parking lot design and landscaping.

A motion was made by Mr. Gaydos, seconded by Mr. Metzger, to **GRANT** the request with the stipulation of approval by the Architectural Board of Review. All of the members voting yea, the motion passed.

**COMMUNICATION**

**7. FOLLOW-UP Communication from the April 9, 2013 Meeting from Discount Drug Mart Regarding Upcoming Improvements to 1425 Grace Avenue Property**

At the April 9<sup>th</sup> meeting, the Planning Commission reviewed Councilmember Madigan's request for clarification on the approval of the Conditional Use granted for parking at the NE corner of 1425 Grace and the renovation of the house at 1425 Grace Avenue. At that meeting, representatives from Discount Drug Mart discussed with the Commission their plans to improve the house. The commission requested that Discount Drug Mart return at the June 6<sup>th</sup> meeting to provide a more detailed explanation of the renovation plans. The property is located in a C3, Commercial and General Business district and in an R1H, Single Family and High Density Residential district.

Tim Moran, Discount Drug Mart ("DDM") was present an update on the rehab of the white house. He commended City staff for their assistance. The person selected for the work was Dana Paul, Lakewood resident and business owner who specialized in rehabbing. The sale of the property to DDM



was expected to close in two weeks. Mr. Paul was expected to be at the meeting to explain everything but had not arrived.

To allow for Mr. Paul's arrival, Mr. Stockman moved the continuance of the item until after Docket 06-17-13 was heard.

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**ADD-ON:**

**8. DOCKET 06-17-13 Referral from City Council to the Planning Commission**

The Department of Planning and Development is proposing to make modifications to the Chapter 1135 (Mixed Use Overlay) of the Zoning Code.

The purpose of the existing Mixed Use Overlay District is to provide a mechanism to accommodate reuse and redevelopment in specified locations that may not otherwise be permitted under the code. This overlay district also clearly asserts that the foremost consideration in these situations is protecting the public interest. Currently, a Mixed Use Overlay District may overlay several base districts but does not include residential zone districts. The attached draft proposes to include residential zone districts in the MUO and provided additional criteria and controls for reuse and redevelopment of those properties. (Page 24)

Jason Russell, Project Specialist II with the City of Lakewood delivered the proposal. It was directed to specific areas in Lakewood to allow for property use flexibility; each case would be presented separately rather than being a change in zoning. Utilizing the Prezi presentation (made part of record) he described two locations in Lakewood that had MUOD, Rosewood (2007) on Detroit Avenue and CVS Pharmacy (2008) at the corner of West 117<sup>th</sup> Street and Clifton Boulevard. Birdtown, currently zoned R2, was a good example of where it could be used in the future. There were eight criteria that had to be met prior to the use being granted. He summarized the proposed revisions to the codified ordinances.

The Commission said it was interesting that the property uses in Birdtown had come full circle from what they were at the turn of the 20<sup>th</sup> century. Asked if there were any examples of uses not allowed currently that might be allowed with the revisions, Mr. Russell replied that any commercial use would be conditional. Ms. Mladek interjected that currently in R1 and R2, the only conditional uses allowed were a roomer, accessory parking, use of an existing non-conforming structure, Type B home occupation, wireless telecommunication antenna, and wind generation facility. If a property has a prior granted conditionally permitted use, that use would continue. If the property owner came and asked for an MUOD, it would terminate the current conditional use; the underlying would still be permitted. After debate about the complexity of the issue and the need for review, it was suggested to defer the item until next month. Ms. Mladek reminded them the next meeting was scheduled for Wednesday, July 3<sup>rd</sup> because of July 4<sup>th</sup> Independence Day and suggested a special meeting instead.

There were no public comments or questions.

A motion was made by Mr. Stockman, seconded by Ms. Belsito, to DEFER the item until the meeting in July. All of the members voting yea, the motion passed.



Continuance of:

**COMMUNICATION**

**7. FOLLOW-UP**

**Communication from the April 9, 2013 Meeting from Discount Drug Mart Regarding Upcoming Improvements to 1425 Grace Avenue Property**

Dana Paul, Nicholson Avenue, had a contract to renovate the house. He was pleased the home was not demolished and looked forward to the renovation. He described his work experience. Utilizing the photographs displayed on the screen (made part of record), he described the work done on three other homes in Lakewood: 1081 Rosalie Avenue, 1260 Summit Avenue, and 1241 Thoreau Avenue. Once he owned the structure, the first step would be to address the exterior of the house and then move to the interior. His goal was to make it a highly marketable home. He hoped to have the exterior done with four to five months although it might take 10 months. He said the exterior was aluminum sided currently and had not determined if it would remain. Some work would be both exterior and interior at the same time: windows, foundation tuck pointing, etc.

A motion was made by Mr. Gaydos to **RECEIVE** and **FILE** the update.

Mr. Stockman opened the hearing to public comment.

Colleen Cotter, 1437 Grace Avenue, looked forward to seeing the renovation and thanked him for his vision. She summarized the decision from the April 4, 2013 meeting. She expressed concern for the property if the renovation was not completed.

Tammi Hanson, 1501 Grace Avenue, read into record part of a letter she had addressed to the Commission (made part of record).

Mr. Stockman interjected that there needed to be forward movement. At the meeting scheduled for September, Discount Drug Mart would provide an update on the status of the plan. He stated the Commission could add detail if the need came. Ms. Miadek said the Law Department determined it was within the scope of the Planning Commission to receive updates regarding the progress of the house. The Commission will not be placing additional conditions outside the scope of their authority. The owner of the house was required to bring the house to code. The June meeting was to provide an update about the potential buyer. The September meeting would be for the buyer to report about any renovations that had been made, anticipated completion time, and any pertinent issues. Mr. Paul will be working closely with the Division of Housing and Building and his work will be monitored. Mr. Stockman stated there were two parties responsible for the renovation and its completion, DDM and Mr. Paul. Asked about the property taken from the residential lot for DDM's use rendering the property as unsalable, the Commission responded that Mr. Paul was an informed buyer.

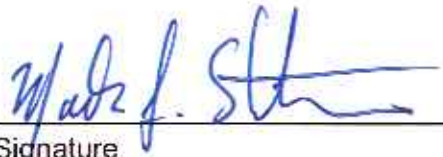
Mr. Stockman closed public comment.

Mr. Gaydos withdrew his first motion and replaced it. A motion was made by Mr. Gaydos, seconded by Mr. Stockman, to **RECEIVE** and **FILE** the update. All of the members voting yea, the motion passed.



9. **ADJOURN**

A motion was made by Ms. Cierebiej, seconded by Mr. Greytak, to **ADJOURN** the meeting at 8:20 p.m. All of the members voting yea, the motion passed.

  
Signature

7-10-2013  
Date





### Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Izzy Schuchner
2. MARK KAWADA
3. Whitney Callahan
4. Steph Vukob
5. Tim Merson
6. Denz Paul
7. Colleen Cote
8. Tammi Hansen
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_

- [Signature]
- [Signature]
- Whitney Callahan
- [Signature]
- [Signature]
- [Signature]
- Tammi Hansen
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

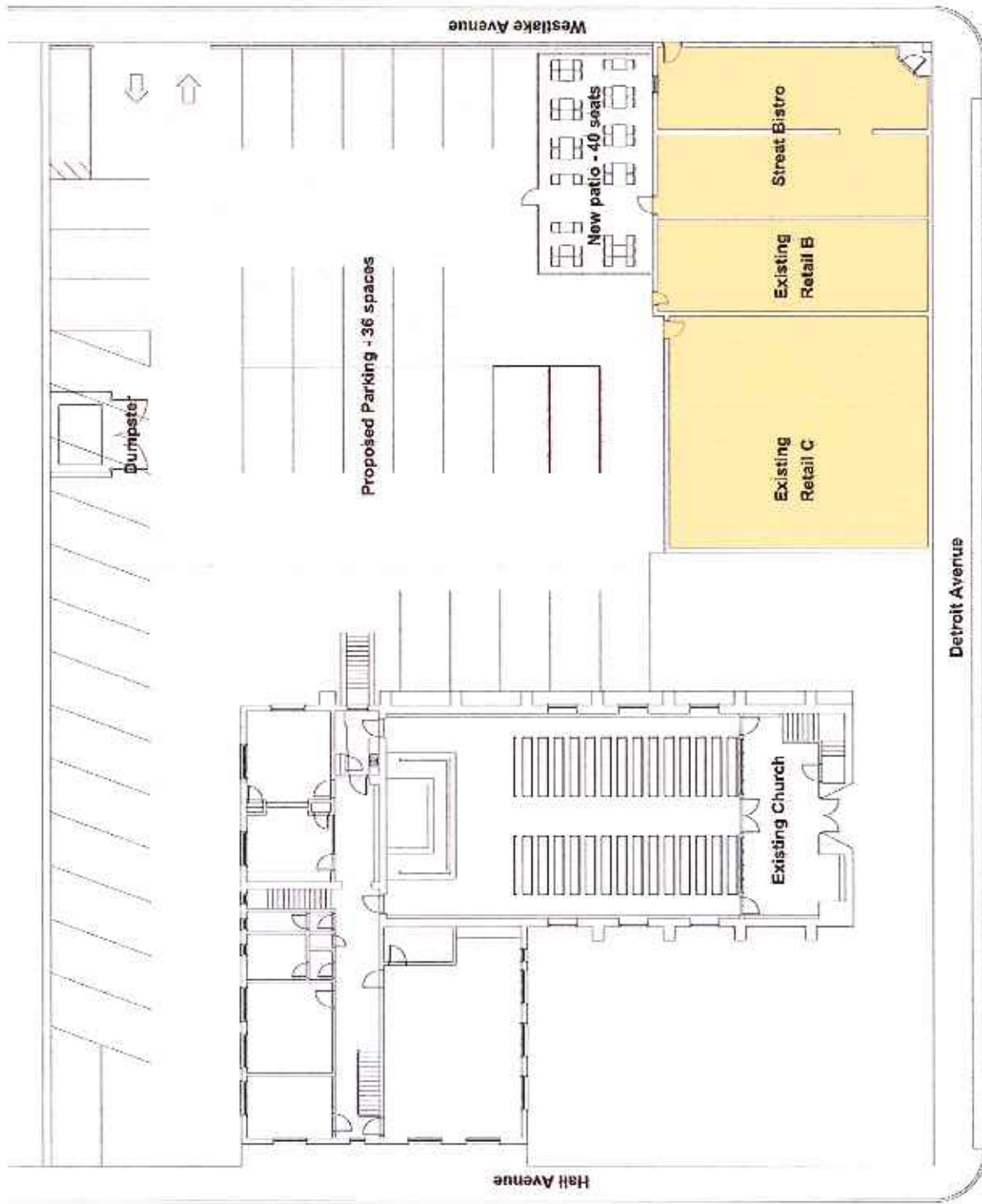
Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ☐ ABR/BBS/Sign ☐ Citizens Advisory ☐ Civil Service ☐ Dangerous Dog  
☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement Appeals ☒ Planning ☐ Zoning Appeals ☐ Other:

Date of Proceeding: Thursday, June 6, 2013





Proposed Outdoor Dining - Street Mobile Bistro 16300 Detroit Avenue Lakewood, OH 44107



ORDINANCE NO.

BY:

AN ORDINANCE to amend Chapter 1135, Mixed Use Overlay District, of the Codified Ordinances of the City of Lakewood to allow the application of Chapter 1135 to residentially zoned properties and to establish hours of operation for properties to which Chapter 1135 is applied.

WHEREAS, the purpose of the existing Mixed Use Overlay District is to provide a mechanism to accommodate reuse and redevelopment in specified locations that may not otherwise be permitted under the code; and

WHEREAS, this overlay district also clearly asserts that the foremost consideration in these situations is protecting the public interest; and

WHEREAS, a Mixed Use Overlay District may overlay several base districts but does not include residential zone districts; and

WHEREAS, as Lakewood continues to experience brisk reinvestment, making sure we have the tools to creatively repurpose and redevelop a variety of building types is essential; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Chapter 1135, Mixed Use Overlay District, currently reading as follows:

**1135.01 PURPOSE.**

- (a) The purpose of the Mixed Use Overlay District is to provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted pursuant to this Code. A Mixed Use Overlay District may overlay several base districts. However, the uses permitted in each underlying district are limited to the boundaries of that district, and the regulations of the underlying district shall govern, except where additional uses are expressly allowed under this Chapter.
- (b) The Mixed Use Overlay District requirements and regulations allow for more flexibility than those pertaining to other uses within the Code. A Mixed Use Overlay District may be mapped in an area where the proposed use changes certain character and features otherwise limited by



#### **1135.03 DESIGNATION OF A MIXED USE OVERLAY DISTRICT.**

- (a) **Relationship to Base Districts.** The Mixed Use Overlay District is an overlay zone, which may be applied to existing zoning districts as described in Section 1135.04, Location of Mixed Use Overlay District. When such a district is established, the Mixed Use Overlay District shall be shown as an overlay to the underlying districts by the designation of MUOD (Mixed Use Overlay District) on the Zoning Map. A MUOD may overlay several base districts, however, the uses permitted in each base district are limited to the boundaries of that base district, except as otherwise provided herein.
- (b) **Development Standards.** The development standards, including, but not limited to, the yard and setback requirements, the height limitations, parking requirements, open space areas, and signage shall be established as a function of the application to establish a Mixed Use Overlay District and the approval of the application.

#### **1135.04 LOCATION OF MIXED USE OVERLAY DISTRICT.**

Location of a Mixed Use Overlay District is limited to C1 Office, C2 Retail, C3 General Business, C4 Public School District or the MH, Multiple-Family, High Density Residential District.

#### **1135.05 PRINCIPAL AND CONDITIONALLY PERMITTED USES.**

- (a) **Permitted Uses.** Uses listed as permitted in the underlying "base" zone.
- (b) **Conditional Uses.**
  - (1) **Conditional Uses** are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A Conditional Use may be granted pursuant to the requirements of Section 1129.02, Principal and Conditional Permitted Uses. Standards for specific Conditional Uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.
  - (2) In keeping with the desire for flexibility in this district, the following may be permitted as additional Conditional Uses in the Mixed Use Overlay District:
    - A. Dwelling units, single-family residence attached.
    - B. Live-work units where base zoning permits non-residential uses.
    - C. Uses listed as conditional in the underlying base zone.
  - (3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

#### **1135.06 ACCESSORY USES AND STRUCTURES.**

Uses listed as accessory in the underlying "base" zone.



B. In a residential district base zone, the following additional signage regulations apply:

- i. Signs must be non-illuminated.
- ii. Gooseneck fixtures or indirect spotlights concentrated on an area of a sign may be used to create illumination.
- iii. Only one sign per frontage, not to exceed 20 square feet per sign, shall be allowed.
- iv. Signs must be either projecting signs, erected on the outside wall of a building and projecting at an angle therefrom; or wall signs, integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.

The Commission may relax such standards if a creative and innovative design is submitted and the sign does not adversely affect neighboring properties.

(2) Parking.

A. Applicants for Mixed Use Overlay developments shall submit a parking and traffic management proposal that does not adversely affect the neighborhood, identifies peak use times, and explores shared parking agreements.

B. All residential uses must comply with parking requirements or maintain existing parking conditions.

(3) Structural Requirements.

A. Mixed Use Overlay proposals must contain a residential component.

B. Maintain form and scale of building being re-purposed

C. The primary design objective for the Mixed Use Overlay District is to reflect the area's architectural significance/character, while promoting the pedestrian scale environment. The design must be compatible with the neighborhood.

D. The principal or primary entrance to a non-residential structure must be located on the building front.

(4) Outdoor Dining. Outdoor dining shall be permitted as a conditional use in a Mixed Use Overlay District pursuant to Section 1161.03(f).

**1135.04 LOCATION OF MIXED USE OVERLAY DISTRICT.**

Location of a Mixed Use Overlay District is limited to C1 Office, C2 Retail, C3 General Business, C4 Public School District or the MII, Multiple-Family, High Density Residential District Commercial Districts (C1 Office, C2 Retail, C3 General Business, C4 Public School District) and Residential Districts (R1 Single Family, R2 Single and Two Family, R1L Single Family



or neighborhood establishment.

(3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

...

**1135.10 FEES.**

The fee(s) for a MUOD Mixed Use Overlay District application shall be pursuant to Section 1173.06.

**1135.11 HOURS OF OPERATION IN RESIDENTIAL DISTRICT BASE ZONE.**

Non-residential uses shall only be permitted to be open for the transaction of business between the hours of 6 a.m. and 10 p.m. Sunday through Thursday and 6 a.m. and 11 p.m. on Friday and Saturday. The Commission may relax or restrict such standards in order to not adversely affect the neighboring properties.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



## CHAPTER 1135 MIXED USE OVERLAY DISTRICT

1135.01	PURPOSE	1135.06	ACCESSORY USES AND STRUCTURES
1135.02	LIMITATIONS ON FLEXIBILITY OF MIXED USE OVERLAY DISTRICTS	1135.07	ADDITIONAL USES
1135.03	DESIGNATION OF A MIXED USE OVERLAY DISTRICT	1135.08	MINIMUM LOT AREA, WIDTH, COVERAGE, AND HEIGHT
1135.04	LOCATION OF A MIXED USE OVERLAY DISTRICT	1135.09	MINIMUM YARDS
1135.05	PRINCIPAL AND CONDITIONALLY PERMITTED USES	1135.10	FEES
		1135.11	<u>HOURS OF OPERATION</u>

### CROSS REFERENCE

Chapter 1129 – Commercial Districts

Chapter 1127 – Multiple-Family Residential District

Chapter 1161 – Conditional Uses

Section 1173.06 – Fees

Add other references

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#### 1135.01 PURPOSE

- (a) The purpose of the Mixed Use Overlay District is to provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted pursuant to this **Code**. A Mixed Use Overlay District may overlay several base districts. However, the uses permitted in each underlying district are limited to the boundaries of that district, and the regulations of the underlying district shall govern, except where additional uses are expressly allowed under this Chapter.
- (b) The Mixed Use Overlay District requirements and regulations allow for more flexibility than those pertaining to other uses within the **Code**. A Mixed Use Overlay District may be mapped in an area where the proposed use changes certain character and features otherwise limited by the underlying zoning only if it has been determined that the current and anticipated future uses in the immediate vicinity will be compatible with the mixed uses proposed and that such uses are consistent with the Development Plan. Therefore, the Commission shall consider Mixed Use Overlay developments on a case-by-case basis.



- (c) A Mixed Use Overlay District should offer one (1) or more of the following advantages:
- (1) Designs in residential and commercial areas that reflect the **City's** development and planning policies as set forth in this **Code** and that are consistent with the **Vision**.
  - (2) Designs that are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards.
  - (3) Designs which encourage a mix of retail, service, office, housing, live-work units, and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to the community.
  - (4) Designs which provide substantial buffers and transitions between areas of different land uses and development densities.
  - (5) Designs which enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green spaces.
  - (6) Designs which provide a choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this **Code**.
  - (7) Development and/or permanent reservation of open space, recreational areas and facilities.
  - (8) A creative approach to the use of land and related physical facilities that result in better urban design, higher quality construction and the provision of aesthetic amenities.
  - (9) The efficient use of land, so as to promote certain economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.

#### **1135.02 LIMITATIONS ON FLEXIBILITY OF MIXED USE OVERLAY DISTRICTS**

It is not intended that the Commission automatically grant exceptions or maximum density increases for Mixed Use Overlay Districts, but it is expected that the Commission shall grant only such increases or uses which [are consistent] with the benefits resulting from the Mixed Use Overlay. Therefore, the Commission may require



as a condition of approval any reasonable condition, limitation or design factor, pursuant to Section 1161.02, General Standards for all Conditional Uses, which will promote proper development of a Mixed Use Overlay development.

### **1135.03 DESIGNATION OF A MIXED USE OVERLAY DISTRICT**

#### **(a) Relationship to Base Districts**

Relationship to Base Districts. The Mixed Use Overlay District is an overlay zone, which may be applied to existing zoning districts as described in Section 1135.04, Location of Mixed Use Overlay District. When such a district is established, the Mixed Use Overlay District shall be shown as an overlay to the underlying districts by the designation of MUOD (Mixed Use Overlay District) on the Zoning Map. A MUOD Mixed Use Overlay District may overlay several base districts, however, the uses permitted in each base district are limited to the boundaries of that base district, except as otherwise provided herein.

#### **(b) Development Standards**

The development standards, including, but not limited to, the yard and setback requirements, the height limitations, parking requirements, open space areas, and signage shall be established as a function of the application to establish a Mixed Use Overlay District and the approval of the application. The following regulations shall be observed:

##### (1) Signage

- a. In a commercial district base zone, standards are set by the base zone
- b. In a residential district base zone, the following additional regulations apply:
  - i. Signs are externally illuminated.
  - ii. Gooseneck fixtures or indirect spotlights concentrated on an area of sign can be used to achieve illumination
  - iii. One sign per frontage not to exceed 20 square feet per sign
  - iv. Signs are to be one of the following structural types
    - 1. Projecting Sign: means a sign erected on the outside wall of a building and which projects out at an angle there from.
    - 4. Wall Sign: means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches there from
  - v. The Commission may relax such standards if a creative and innovative design is submitted and does not adversely affect neighboring properties

##### (2) Parking

- a. Submit a parking and traffic management proposal that:
  - i. Does not adversely affect the neighborhood
  - ii. Identifies peak use times
  - iii. Explores potential shared parking agreements



- b. All residential uses must comply with parking requirements or maintain existing parking conditions

**(3) Structural Requirements**

- a. Mixed Use Overlay proposals must contain a residential component
- b. Maintain form and scale of building being re-purposed
- c. The primary design objective for the MUOD are to reflect the areas architectural significance/character, while promoting the pedestrian scale environment. The design must be compatible with the neighborhood.
- d. The principal or primary entrance to a non-residential structure must be located on the building front

**(4) Outdoor Dining**

- a. Shall be permitted as a conditional use in a MUOD pursuant to Section 1161.03(t), Conditional Uses for Outdoor Seasonal Dining Facility

**1135.04 LOCATION OF MIXED USE OVERLAY DISTRICT**

Location of a Mixed Use Overlay District is limited to Commercial Districts (C1 Office, C2 Retail, C3 General Business, C4 Public School District) and Residential Districts (R1 Single Family, R2 Single and Two Family, R1L Single Family Low Density, R1M Single Family Medium Density, R1H Single Family High Density, ML Multiple Family Low Density Residential District, and MH or Multiple Family High Density Residential District).

**1135.05 PRINCIPAL AND CONDITIONALLY PERMITTED USES**

**(a) Permitted Uses**

Uses listed as permitted in the underlying "base" zone.

**(b) Conditional Uses for a commercial district base zone**

- (1) Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A Conditional Use may be granted pursuant to the requirements of Section 1129.02, Conditional Use. Standards for specific Conditional Uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.
- (2) In keeping with the desire for flexibility in this district, the following may be permitted as additional Conditional Uses in the Mixed Use Overlay District:
  - A Dwelling units, single-family residence attached.
  - B Live-work units where base zoning permits non-residential uses.
  - C Uses listed as conditional in the underlying base zone.
- (3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

**(c) Conditional Uses for a residential district base zone**



- (1) Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. A Conditional Use may be granted pursuant to the requirements of Section 1129.02, Conditional Use. Standards for specific Conditional Uses may be found in Chapter 1161, Conditional Uses, or elsewhere as referenced herein.
- (2) In keeping with the desire for flexibility in this district, the following use categories may be permitted as additional Conditional Uses pursuant to section 1129.02, Principal and Conditional Permitted Uses:
  - A Entertainment, Food & Beverage, Professional Services, General Retail, Service Retail, Convenience Retail, Personal Care Services, and Laundromat
  - B Conditional Uses in a residential district base zone must be comparatively small scale. This does not mean these uses will serve only the nearby dwellings, but the appearance, mix of uses, and scale of both buildings and uses must be that of a local or neighborhood establishment.
- (3) Modification of development standards shall be permitted on the authority of the Commission as part of the Conditional Use review.

(c)(d)

#### **1135.06 ACCESSORY USES AND STRUCTURES**

Uses listed as accessory in the underlying "base" zone.

#### **1135.07 ADDITIONAL USES**

Uses listed as additional in the underlying "base" zone.

#### **1135.08 MINIMUM LOT AREA, WIDTH, COVERAGE, AND HEIGHT**

Standards related to minimum lot area, lot width, lot coverage and maximum heights shall be as required in the base zone for each lot. However, such standards may be relaxed without triggering the requirement to apply for a variance if the proposed standard is determined by the Commission to be consistent with the surrounding properties, both within and outside of limits of the Mixed Use Overlay District.

#### **1135.09 MINIMUM YARDS**

In addition to the required yard, a landscaped buffer of at least ten (10) feet shall also be provided, pursuant to Section 1141.03, Landscaping Plan. However, the Commission may relax such standards if the proposed standard is determined to be consistent with the surrounding properties, both within and outside the limits of the Mixed Use Overlay District.

#### **1135.10 FEES**

The fee(s) for a Mixed Use Overlay District application shall be pursuant to Section 1173.06.

#### **1135.11 HOURS OF OPERATION IN RESIDENTIAL DISTRICT BASE ZONE**



Non-residential uses shall only be permitted to be open for the transaction of business between the hours of 6 am and 10 pm Sunday through Thursday and 6 am and 11 pm on Friday and Saturday. The Commission can relax or restrict such standards in order to not adversely affect the neighboring properties.



# Mixed Use Overlay District



## Existing Mixed Use Overlay Districts



1777 Franklin Road, Lakewood, Ohio



1777 Franklin Road, Lakewood, Ohio

## MUOD Reference Property



12228 Plover Street  
 • Open up to the street  
 • Access to the street

## Current Process

- Apply for the variance (1575.09)
- Conform to street use zone regulations
- Apply for parking variance



## Mixed Use Overlay Summary

- The purpose of MUOD is to provide a mechanism for accommodating development that is not permitted by the existing zoning ordinance but is consistent with the public interest and the overall character of the community.
- MUOD development is regulated by the same rules as the existing zoning ordinance.
- Development that is not permitted by the existing zoning ordinance is allowed by MUOD.

## Overlay MUE



## Our Revision Process

- Development that is not permitted by the existing zoning ordinance is allowed by MUOD.
- Development that is not permitted by the existing zoning ordinance is allowed by MUOD.
- Development that is not permitted by the existing zoning ordinance is allowed by MUOD.



## Additional Commercial Uses

- On lot development must be part of development that is not permitted by the existing zoning ordinance.
- Section 1575.11: Hours of Operation - 10am - 10pm
- Friday/Saturday 10am - 10pm



## Revised Summary

- Allowed the Mixed Use Overlay to be applied to additional residential zones.
- Provided different development standards for commercial and residential districts.
- Provided a new standard for commercial uses in residential districts.
- Commission reviewed the changes to the MUOD.

## 12228 Plover Street

- 12228 Plover Street was previously zoned R1 and is now zoned MUOD.
- The property is currently zoned MUOD.
- The property is currently zoned MUOD.

## 12228 Plover Street

- Property is currently zoned MUOD.
- The property is currently zoned MUOD.
- The property is currently zoned MUOD.

## 12228 Plover Street

- Section 1575.09: Open up to the street
- Section 1575.09: Access to the street
- Section 1575.09: Access to the street



## 12228 Plover Street

- Section 1575.09: Open up to the street
- Section 1575.09: Access to the street
- Section 1575.09: Access to the street

## 12228 Plover Street

- Property is currently zoned MUOD.
- The property is currently zoned MUOD.
- The property is currently zoned MUOD.

## 12228 Plover Street

- Section 1575.09: Open up to the street
- Section 1575.09: Access to the street
- Section 1575.09: Access to the street





# Mixed Use Overlay Summary

Chapter 1135

- The purpose of MUOD is to provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted pursuant to this Code

- MUOD requirements and regulations allow for more flexibility than those pertaining to other uses within the Code.

- Commission shall consider Mixed Use Overlay developments on a case-by-case basis.





## Existing Mixed-Use Overlay Districts

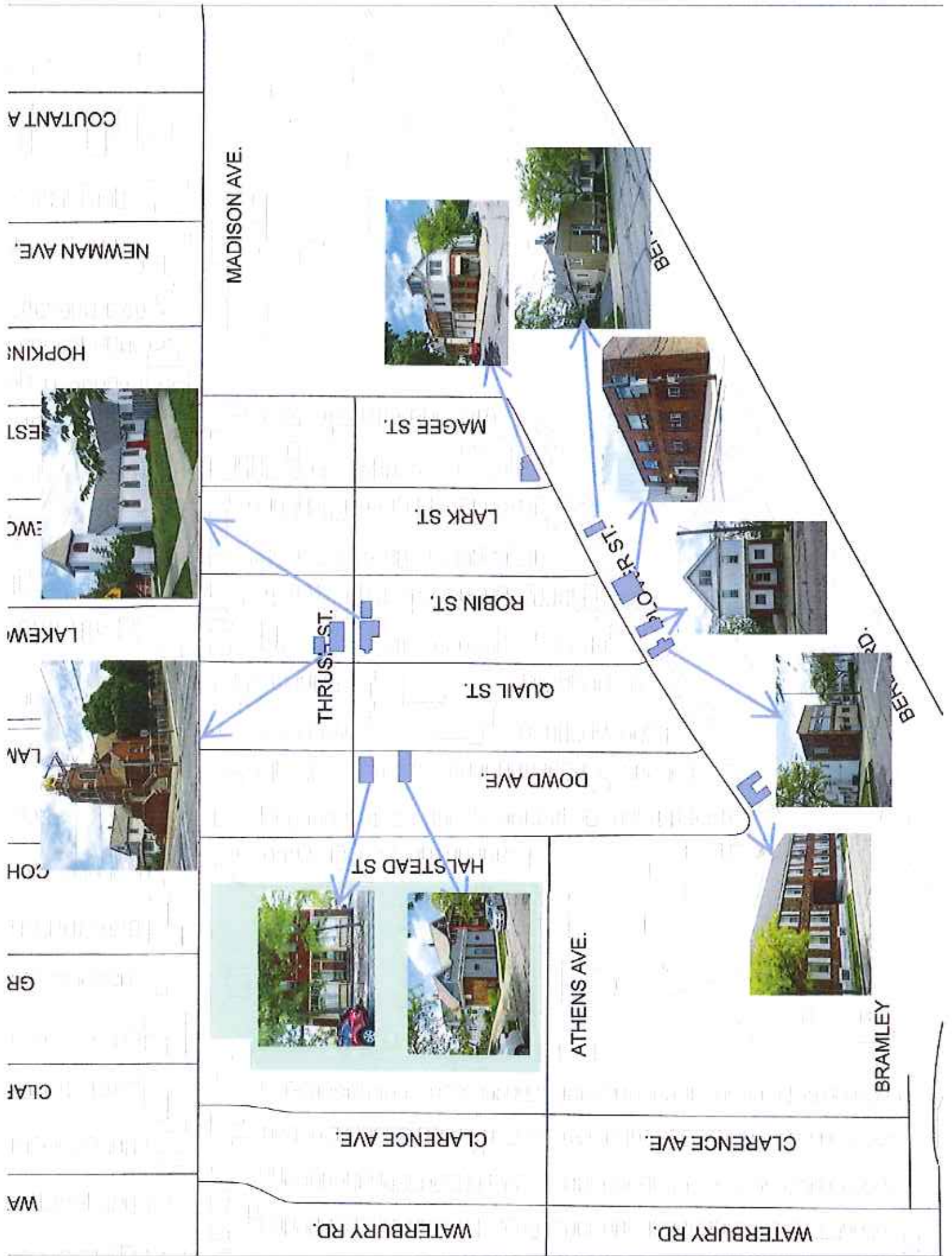


U.S. Army/Navy Building (2007)



CVS Pharmacy (2008)



















# Our Revision Process

- Researched best practices of cities permitting commercial uses within residential districts
- Reviewed existing MUOD and zoning ordinances to understand flexibilities and limitations
- Revised existing MUOD to accommodate commercial uses in residential districts by providing strict guidelines to maintain the character of the neighborhood





# MUOD Reference Property



12228 Plover Street

- Open a coffee shop
- Renovate second floor residential



# Current Process

- Apply for Use variance (1173.04)
- Conform to strict base zone regulations
- Apply for parking variance





# 12228 Plover Street

1135.04 "Location" now defines zoning districts for which MUOD can be applied. (Commercial and Residential districts)

District Type	Allowed Zoning
Commercial District	C1 Office, C2 Retail, C3 General Business, C4 Public School District
Residential District	R1 Single Family, R2 Single and Two Family, R1L Single Family Low Density, R1M Single Family Medium Density, R1H Single Family High Density, ML Multiple Family Low Density Residential District, and MH or Multiple Family High Density Residential District



# 12228 Plover Street

## Section 1135.05(c) - Conditional Uses for Residential Base Zones

Entertainment	Food & Beverage
Professional Services	General Retail
Service Retail	Convenience Retail
Personal Care Services	Laundromat

Governed by 1129.02

Conditional Uses in a residential district base zone must be comparatively small scale. The appearance, mix of uses, and scale of both buildings and uses must be that of a local or neighborhood establishment.



# 12228 Plover Street

## Section 1135.03(b)

Created development standards for residential districts separate from commercial districts.



## Structural Requirements - Outdoor Dining - Signage - Parking

- Project must be truly "mixed" use in nature
- Proposals should maintain/complement architectural character
- Primary entrance must be located on building front



# 12228 Plover Street

## Signage

- Externally Illuminated
- One sign per frontage (not to exceed 20 sq. ft.)
- Projecting or wall signs only

## Parking

- Applicants must submit parking and traffic management plan.
- All residential uses must comply to parking requirements.





# Additional Commercial Uses

Outdoor dining request must be apart of development plan and conform to Section 1161.03(t)

## Section 1135.11 Hours of Operations

- Sunday thru Thursday 6am - 10pm
- Friday thru Saturday 6am - 11pm





## Revision Summary

- Allows the Mixed Use Overlay to be applied to additional residential zones.
- Prescribes different development standards for commercial and residential districts.
- Provides strict standards for commercial uses in residential districts
- Commission maintains the ultimate discretion on development plans.



## Mixed Use Overlay District



## Mixed Use Overlay Summary

The purpose of \$1,000 is to provide a mechanism to accelerate development and to accommodate development needs and requirements in specified locations, which is the public interest and support other positive oriented community goals. Code



Hydro-

- [illegible]

## Additional Commercial Lines

Customers using restaurants must be alerted of new discount plans and conform to Section 116.02(g).



## Reviewers Summary

- Allows the Mutual Use Development to be applied to additional residential tracts.
- Permits different development standards for commercial and residential tracts.
- Permits strict standards for commercial uses in residential tracts.
- Creates an exemption for the separate classification of development tracts.

McLOD Reference Property



- 100% Power Street
- 100% Power Street
- 100% Power Street

5555 Player Street

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12233 *Phaeocharis*

- [illegible]

12228 Plover Street  
Section 100

Creating developer my standards for  
individual developer signature for  
my work.



## 12225 Flower Street

Investigations	Ward & Moore 1999
Aggregated data sets	Country level
Number of items	10 (10 country level)
Number of items (10 items)	10 (10 items)

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### Current Projects

- Apply for use variance (177304)
- Conform to strict noise zone regulations
- Apply for parking variance







1081 Rosalie Avenue





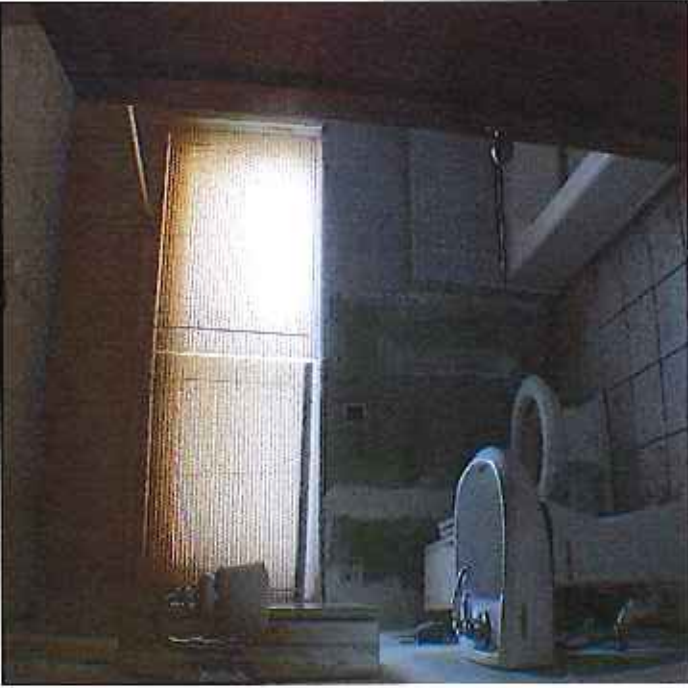
1081 Rosalie Avenue





1260 Summit Avenue





1260 Summit Avenue





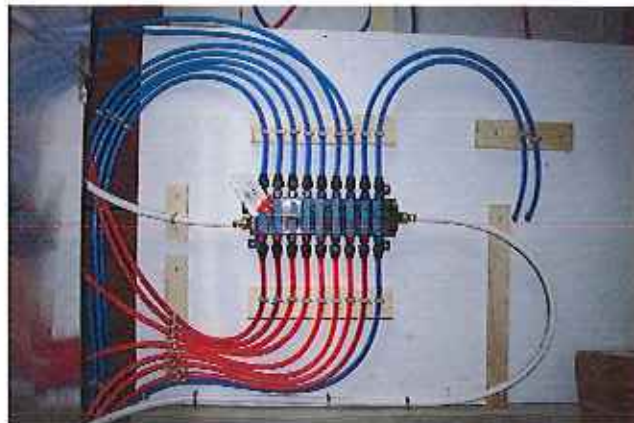
1260 Summit Avenue





1241 Thoreau Avenue





1241 Thoreau Avenue



To: City of Lakewood Planning Commission

From: Tammi Hanson  
1501 Grace Avenue

Date: June 6, 2013

Information pertinent to the issues before the Planning Commission this evening was not communicated in the April meeting. At the April meeting, it was not communicated that there had been previous requests for information from Discount Drug Mart (DDM) regarding the renovation of the 'white house' at 1425 Grace Avenue. The lack of cooperation in that process and the history of the process on this project should be considered in the specificity of the decisions you will be making.

Residents had met with the Mayor, Dru Siley and Mary Louise Madigan regarding the lack of progress on the renovation of 1425 Grace Avenue twice prior to the April 4th Planning Commission meeting.

The first meeting was held on **February 11, 2013**. At that meeting, the mayor and Dru Siley made it abundantly clear that they didn't think that DDM should have to have been working on the renovation of the white house. A prominent reason for the city not having an expectation of progress on the white house was that DDM is not in the business of doing home renovation, and that they had the store building project consuming their contractors. The response from residents was that renovation would likely not be performed by those erecting a huge building, and that if an individual had purchased the home, they would have been expected to make progress. As we heard from DDM at the last Planning Commission meeting, they don't think that renovation can be done on a house in the winter.

Residents also pointed out that the designation of Conditional Use was contingent upon the renovation of the white house. Therefore, Conditional Use designation should be removed if the renovation was not, at the very least, underway. And, given the failure of DDM to follow other rules, such as not having construction vehicles using residential streets (as had happened and continues to happen) and not starting work with loud construction machinery prior to 8 am on both weekdays and weekends, and leaving large spotlights on all night faced toward residences, the residents have little to no faith that DDM had any intention of renovation of the white house, let alone "restoration", as they repeatedly indicate here as their goal for the house.

At the first meeting residents and the mayor, Dru Siley and Mary Louise came to an agreement that there were very different opinions on the matter, but that clarification of plans and a timeline for the white house renovation from DDM would be good for the city and residents to have.



It was agreed that the city (Dru Siley) would ask DDM for renovation plans, including a timeline, for the white house. DDM would be asked to provide that information in two weeks.

The city was also to give residents a current list of violations on the white house.

The current list of violations on the white house was provided to the residents on **February 20, 2013**. It was the violations list from April 2, 2012, and was based only upon exterior inspection. No inspection had been done by the city when the property was purchased by DDM, as was apparently required. (This according to Dru Siley who stated at the April 4, 2013 Planning Commission Meeting, that an exterior and interior inspection was required at the time of the transaction due to the property status prior to sale.) An exterior and interior inspection was scheduled after the February 11, 2013 meeting. An inspection was performed, and a report generated on March 15, 2013. The report from this inspection was provided to the residents on the same day.

The mayor and Dru Siley met with DDM on **February 21, 2013** (ten days after the first meeting with residents).

Residents met with the Mayor, Dru Siley and Mary Louise Madigan for the second time on **March 5, 2013**. According to the Mayor and Dru Siley, their meeting with DDM was a "uncomfortable" meeting, due to very different opinions regarding what DDM should have to do. (Note that this means that despite DDM not having worked at all on the house, and the mayor and Dru Siley telling residents that they didn't think DDM should have even had to do any work on the house during the store being constructed, their positions were quite divergent. This would then indicate that DDM did not, and does not, plan to renovate, let alone restore the house.) Again, DDM promises this board and the neighborhood one thing, and delivers much, much less.

No list of plans for the white house, nor timeline were provided by DDM as had apparently been requested. Again, they had no plans for renovation of the house. The mayor said that DDM indicated they would be looking into selling the house to a rehab individual or company. This could have, and should have, been looked into by DDM long ago if they had truly been concerned with the renovation of the house. However, I don't think they wanted to sell the property too quickly. If they had sold the property, a new owner would not have allowed them to remove bushes and re-grade the 1425 Grace property the way they wanted, which would have increased their construction costs by needing to install a retaining wall, and probably other expenses. This has also led to the fence and light encroachment issues we have currently.

Dru Siley stated at the March 5th meeting with residents, and also at the April meeting of this commission that if the house was sold, the requirement for renovation would be attached to the sale and that DDM would ultimately be responsible regardless of subsequent change of ownership. I, for one, have no faith that what Mr.



Siley has told us—residents and this board—is wholly accurate.

He talked to us earlier in this process about the renovation of 1425 Grace. Now, he says DDM should only be expected to meet basic code. I would not want to find out later that this too was a 'misinterpretation' on our parts as to what he said has been put in place, or that he miss-spoke and while it could have been done it hadn't, just as clarification of the term "renovation" was not initially specified and has caused issues.

Residents expressed concern that there is the potential for 'permanent postponement' of renovation through a chain of re-sales, with each new transfer taking time and each new owner being given time to establish themselves and get contracts arranged, etc., *ad infinitum*.

Dru Siley and the mayor don't think DDM needed to work on the 'white house' by the time the store opened.

Until residents asked for the inspection report, there wasn't even the required interior/exterior inspection that should have been performed prior to the transfer of the property to DDM in the Fall of 2012. Requirements, which are supposed to be bound to the transfer have been "missed" in the past. Such omissions need to be prevented in the remainder of this project with DDM.

In addition, Dru Siley has apparently been trying to get DDM to provide a list of renovations and a timeline since February 11th, and doesn't seem concerned with the lack of progress on the white house these 4 months of inactivity later. I would not want Dru Siley to be the one to be determining whether DDM is making sufficient progress or whether requirements have been met.

By transferring the property at this point, DDM would essentially already make one more postponement. Please do not allow this to continue.

DDM representatives have not shown themselves to be trustworthy so many times. Clarification of their responsibilities, **in detail**, is necessary if there is a chance of this series of issues to be resolved appropriately and in a timely manner.



Given the problems in the process thus far, I ask that you:

1. Provide within the next two weeks a detailed list of criteria that must be met in order to comply with the expectations of this board, and that these criteria will determine whether 'renovation' of the house at 1425 Grace Avenue is complete. They should include the return of the property to land configured for maximal residential use as it was and provide barriers from commercial encroachment. NOTE: I ask that these criteria be substantively above basic code. Meeting basic code was not, nor should it be, sufficient compensation for the destruction of an apartment building and eviction of its residents, encroachment into the 1425 Grace Avenue property and the neighborhood, and the granting of a very lax interpretation of Conditional Use on not one, but two residential properties.
2. Ensure that the requirement to fulfill this board's renovation criteria are legally bound to the owner of the property, regardless of transfer, and that non-compliance is enforceable upon DDM. Dru Silcy stating that this is so is not sufficient.
3. Establish an expected date of completion for the renovations.
4. Bar the transfer of 1425 Grace Avenue until all of these restrictions are confirmed as bound to all transfers. This ensures that the potential new owner knows clearly what is expected of them. To not do so, would be unfair and increase the likelihood of not meeting criteria and further delay.
5. Hold frequent and regular reviews of progress toward completion based on inspections by the city housing inspector.
6. Establish that insufficient progress in a timely fashion will be grounds for revoking Conditional Use status for all—Grace and Cohassett—residential properties included in the DDM development.
7. Establish that determination of completion of renovation is to be decided by this board. When this board has declared renovation complete, then, and only then, is DDM no longer responsible for the house and property at 1425 Grace Avenue, unless they own that property.
8. Confirm that even with renovation complete, the usual rules are in place, including the review process, for land with Conditional Use designation.

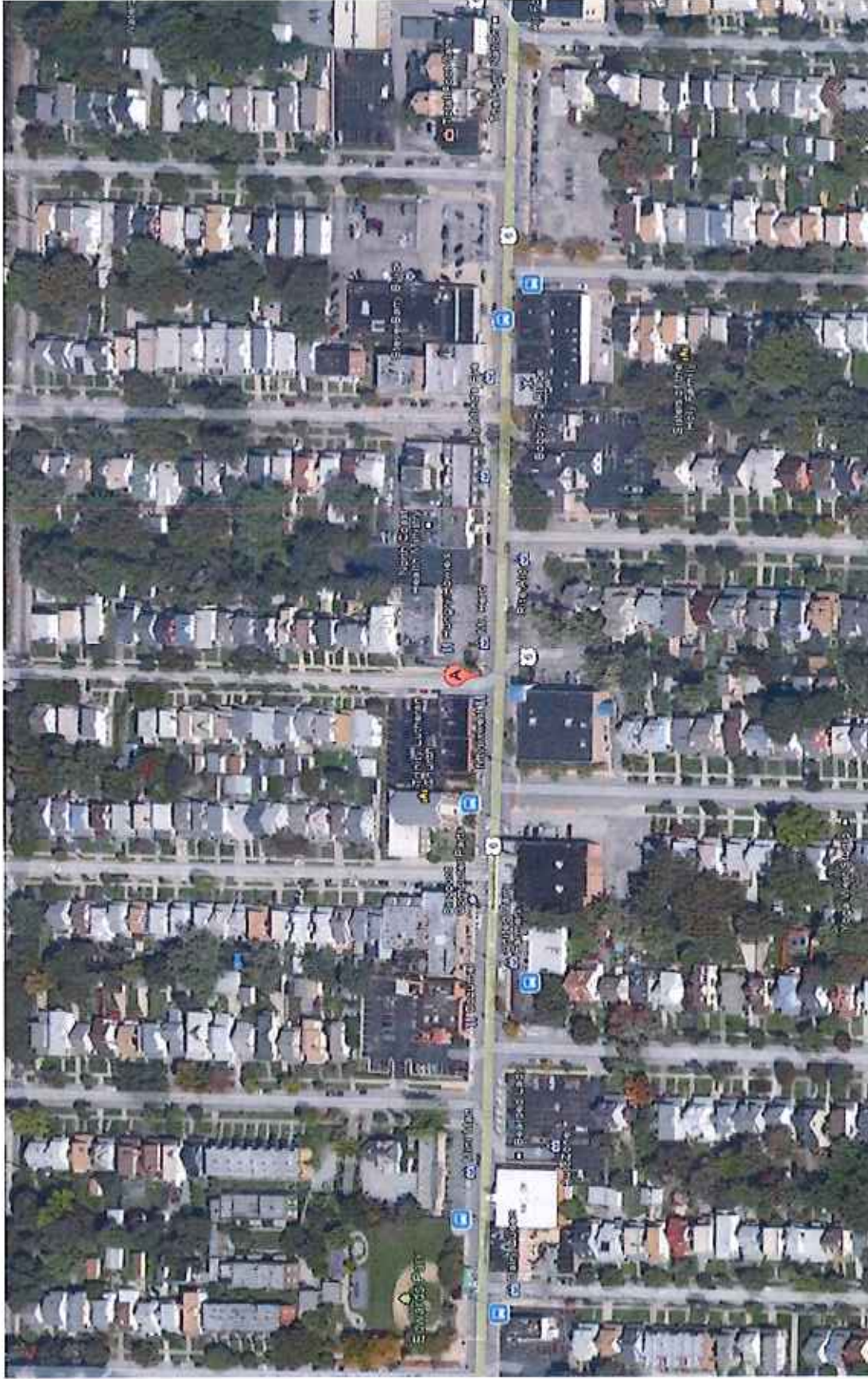


# Planning Commission

June 2013







Planning Commission  
June 2013

16300 Detroit Avenue









16300 Detroit Avenue



Planning Commission  
June 2013





Planning Commission  
June 2013

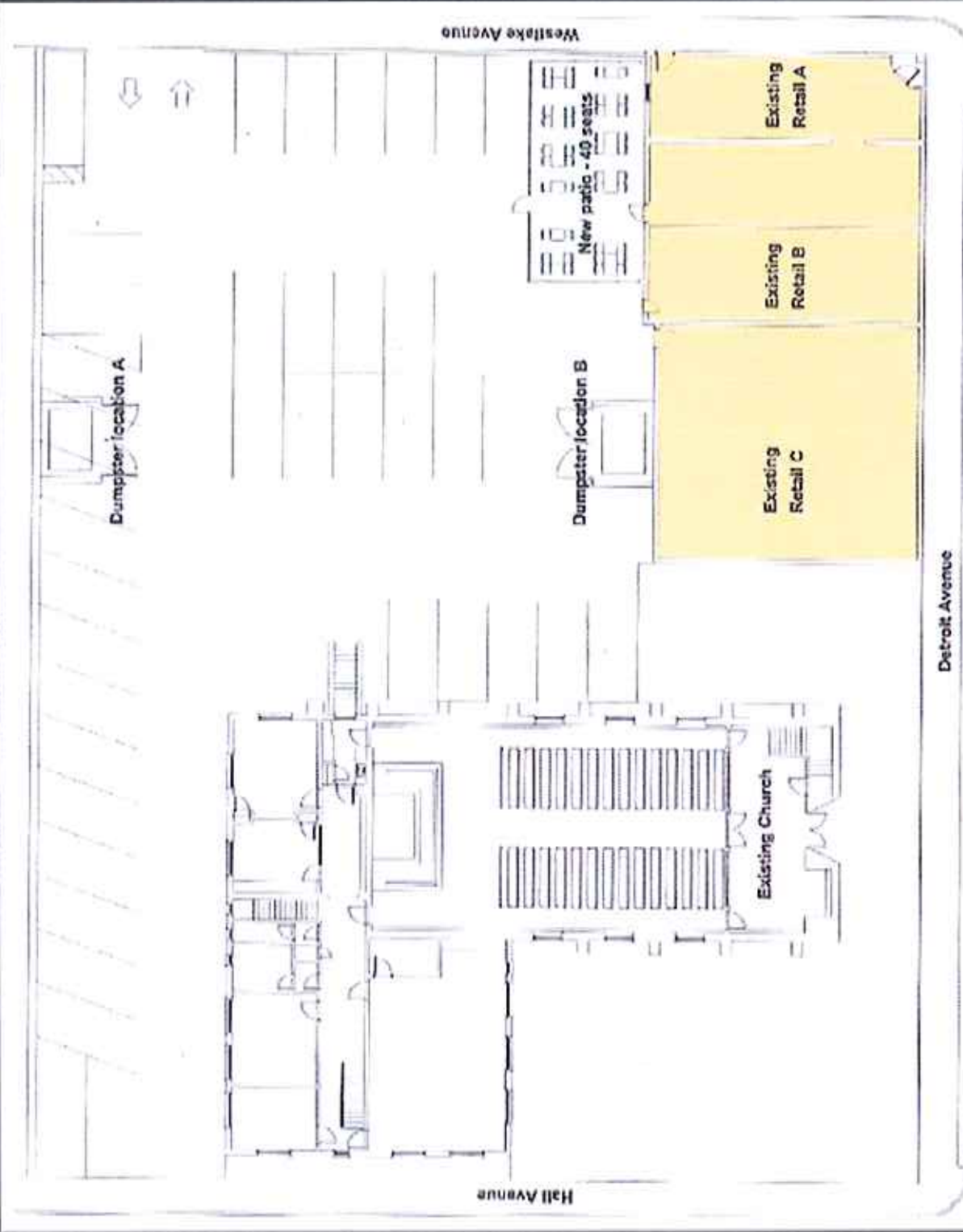
LAKWOOD  
OHIO

16300 Detroit Avenue













Planning Commission  
June 2013

12700 Lake Avenue





Planning Commission  
June 2013

12700 Lake Avenue







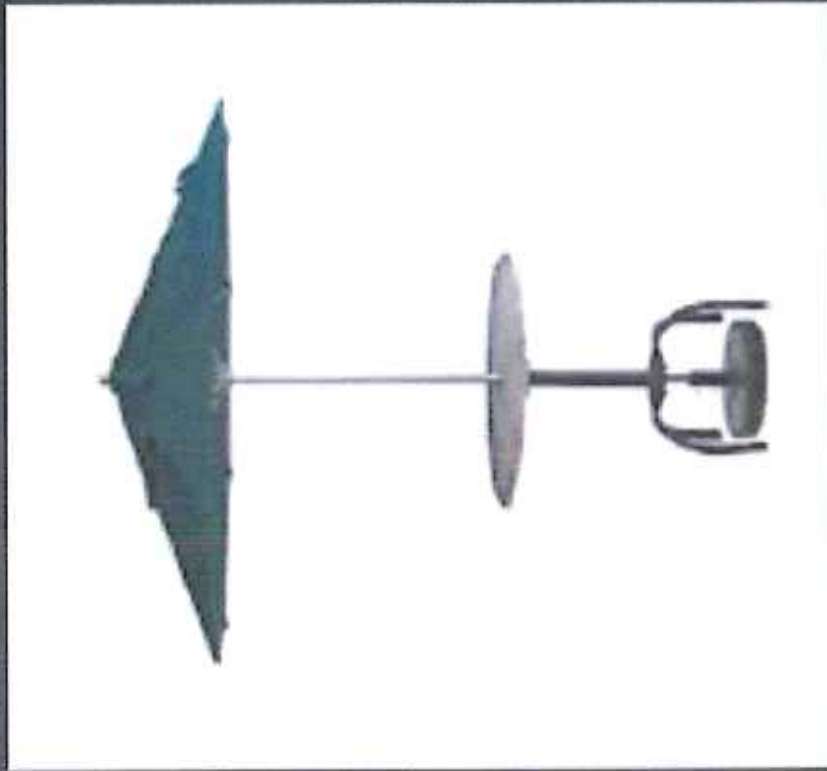
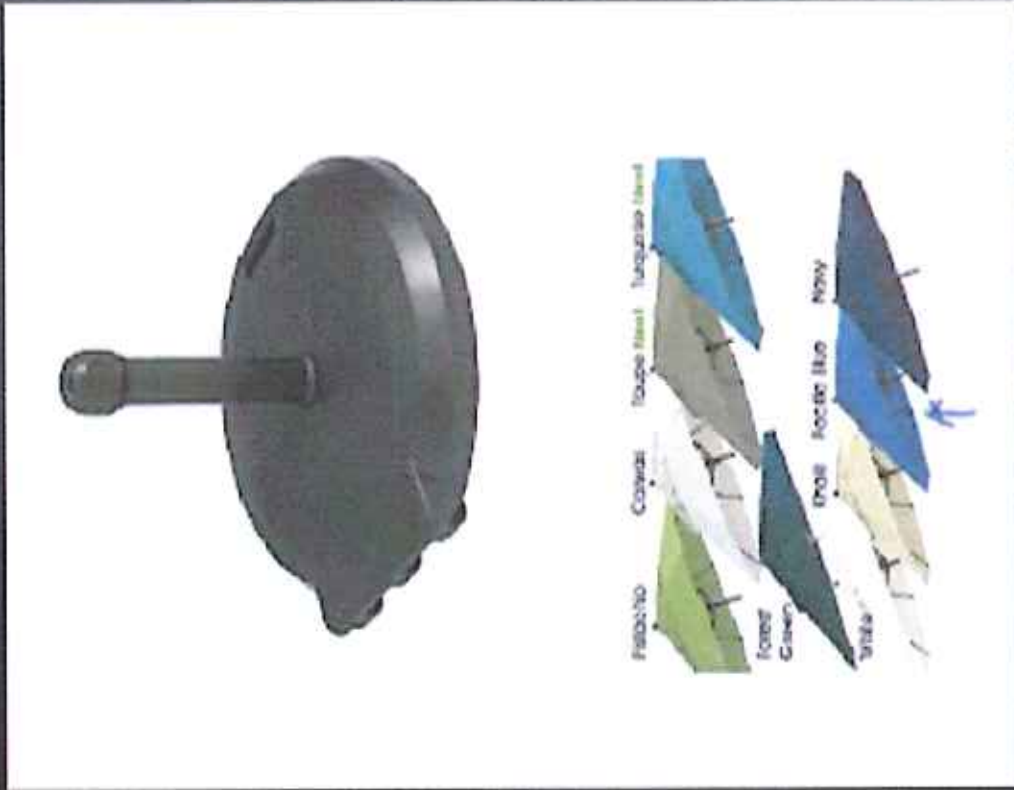


12700 Lake Avenue

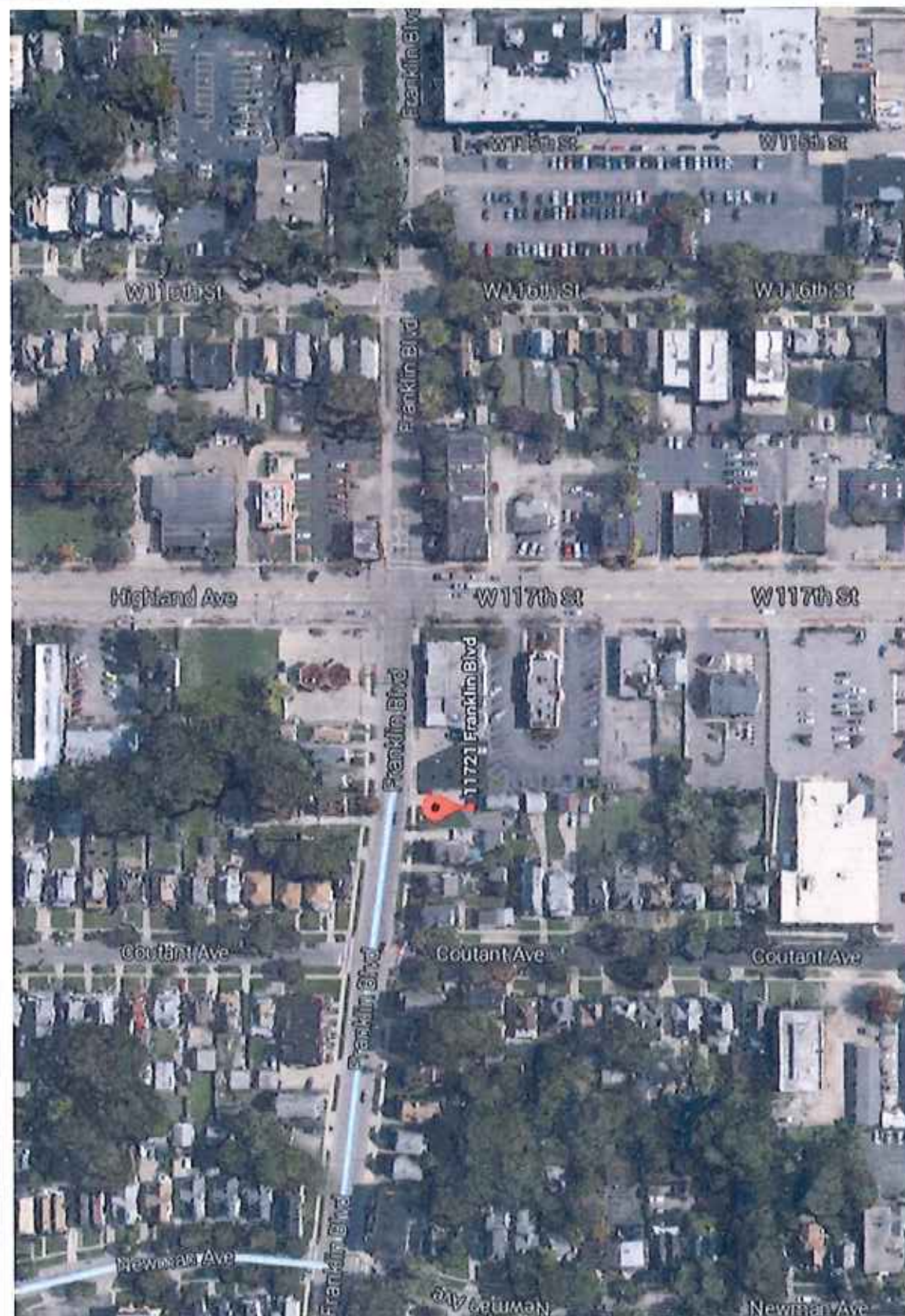
LAKELAND  
OHIO

Planning Commission  
June 2013









# 11721 Franklin Blvd

Planning Commission  
June 2013







Planning Commission  
June 2013

11721 Franklin Blvd













11721 Franklin Blvd



Planning Commission  
June 2013







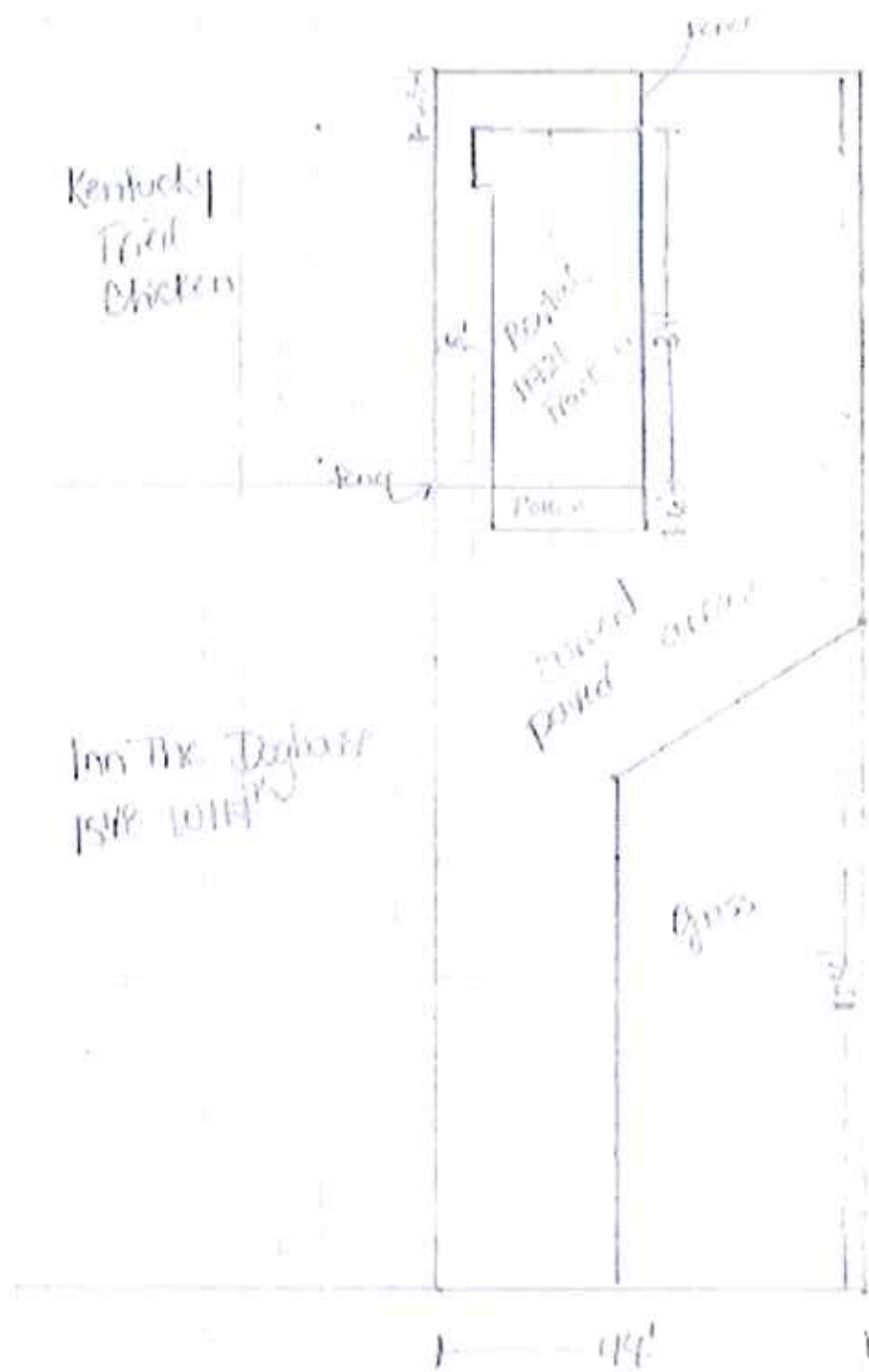


Planning Commission  
June 2013



11721 Franklin Blvd





1 square = 4 feet

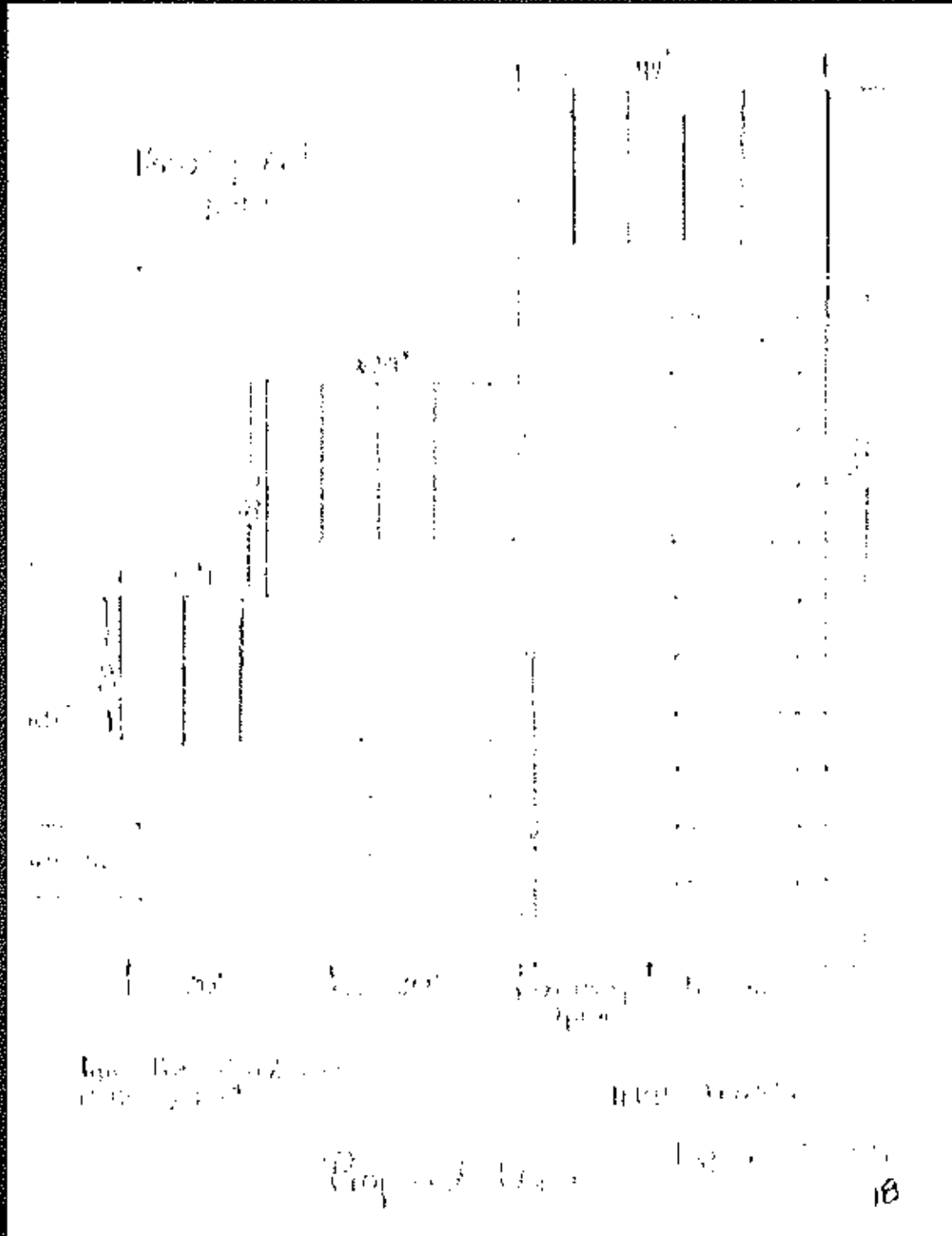
Current Use

Planning Commission  
June 2013



11721 Franklin Blvd





Planning Commission  
June 2018



11721 Franklin Blvd



# Planning Commission

June 2013

